

Appl. No. 10/663,198

REMARKS

The Examiner has required restriction under 35 USC §121 to one of the following groups of claims:

Group I – Claims 1-11 and 15-19 drawn to phosphatidyl serine products and compositions prepared enzymatically, classified in Class 554, subclass 78.

Group II – Claims 12 and 14 drawn to a process of treating psycho-physical stress, etc., classified in Class 424, subclass 502.

Group III – Claim 13 drawn to a process of treating dermatitis, classified in Class 514, subclass 78.

The Examiner contends that groups I and II/III are related as product and process of use, and the product as claimed in the present application can be used in a materially different process such as an emulsifier or a surfactant in foods or detergents. The Examiner also contends that group II claims, directed to a treatment of physiological conditions related to the central nervous system by administration of a phosphatide composition, are different from group III claims, directed to a treatment of a skin condition by application of phosphatide composition. This requirement is respectfully traversed. Reconsideration and withdrawal are respectfully requested.

Applicants submit that a search for the medical treatment of group II with the phosphatide compositions of the invention overlaps with a search for the medical treatment of group III with the phosphatide compositions of the invention. It follows that examining the claims of groups II and III in a single application does not place an undue burden on the Examiner. Applicants request rejoinder of those claims.

The Examiner has acknowledged that, once product claims have been found allowable, process claims that depend from them are entitled to rejoinder.

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In the event that the Examiner disagrees, and to be fully compliant with 37 C.F.R. §1.143, Applicants provisionally elect to pursue Group I, that is, claims 1-11 and 15-19, directed to a product-by-process.

Applicants respectfully request early action on this application allowance of all of the claims, which define patentable subject matter.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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LRS/JB/sbp
0259-0417P

Respectfully submitted,

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By 

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